

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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Farideh Chubineh,

Civil Action No.: \_\_\_\_\_

Plaintiff,

v.

Credit Bureau Collection Services, Inc.,  
d/b/a CBCS,

Complaint

Defendant.

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**INTRODUCTION**

1. Plaintiff Farideh Chubineh brings this action for actual and statutory damages resulting from the Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA), a law that prohibits debt collectors from using abusive, deceptive, and unfair practices in an attempt to collect a debt.

**JURISDICTION AND VENUE**

2. This honorable Court possesses jurisdiction over this matter pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Additionally, venue in this District arises pursuant to 28 U.S.C. § 1391(b) since Defendant transacts business in this District and the conduct complained of occurred in this District.

**PARTIES**

4. Plaintiff Farideh Chubineh is a natural person residing in the County of Erie, State of New York, and is a “consumer” as that term is defined by 15 U.S.C. §1692a(3).

5. Defendant Credit Bureau Collection Services, Inc., d/b/a CBCS, (hereinafter “CBCS”) is a foreign business corporation organized and existing under the laws of the State of Ohio. CBCS is a “debt collector” as that term is defined by 15 U.S.C. §1692a(6).

6. Any and all acts of the Defendant hereinafter alleged were performed by Defendant’s employees, while under the scope of the Defendant’s actual or apparent authority.

7. Any and all references to “Defendant” herein shall include the Defendant and/or an employee of the Defendant.

**FACTUAL ALLEGATIONS**

8. That Plaintiff Farideh Chubineh is alleged to have incurred and later defaulted on a debt. Said alleged debt will hereinafter be referred to as “the subject debt”.

9. The subject debt is a “debt” as that term is defined by 15 U.S.C. §1692a(5).

10. On or about March 17, 2012, Defendant contacted Plaintiff by telephone and left an answering machine message on Plaintiff’s home answering machine at phone number 716-688-2153. Said message read substantially as follows:

*"Hello. This is an important call for Farideh Chubineh. If you are not Farideh Chubineh, please hang up or disconnect. If you are Farideh Chubineh, please continue to listen to this message. There will now be a three second pause in this message. By continuing to listen to this message, you acknowledge you are Farideh Chubineh. This is a call from CBCS. This is an attempt to collect a debt and any information obtained will be used for that purpose. Please contact me about an important business matter at 800-649-0690 and reference account number 704635713. Thank you."*

11. The Defendant's attempt at contacting Plaintiff through the use of an answering machine message is a "communication" as that term is defined by 15 U.S.C. §1692a(2).

12. As Defendant left said answering machine message, it played audibly over the answering machine's external speaker.

13. Gina Leone heard said message in its entirety while it was being left by Defendant.

14. Gina Leone then inquired to Plaintiff about Defendant's communication, and as a result Plaintiff suffered personal humiliation, embarrassment, mental anguish, and emotional distress.

### **CAUSE OF ACTION**

15. The aforementioned acts of the Defendant have violated the Fair Debt Collection Practices Act (15 U.S.C. §1692 et seq.) as follows:

16. Defendant violated 15 U.S.C. §1692c(b) by communicating with a party, in connection with the collection of a debt, other than the consumer, his attorney, a

consumer reporting agency, the creditor, the attorney of the creditor, or the attorney of the debt collector.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that the following relief be granted:

- (a) Actual damages, pursuant to 15 U.S.C. §1692k(a)(1);
- (b) Statutory damages of \$1,000.00, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- (c) Costs and disbursements of this action, along with reasonable attorney's fees, pursuant to 15 U.S.C. §1692k(a)(3); and
- (d) For any and all additional relief as this Court deems just and proper.

**JURY DEMAND**

Please take notice that Plaintiff demands a trial by jury in this action.

Date: May 17, 2012

Respectfully submitted,

/s/ Cyrus B. Chubineh

Cyrus B. Chubineh, Esq.  
PO Box 714  
Getzville, NY 14068  
Cell: 716-864-0715  
Fax: 716-478-8540  
[chubineh@yahoo.com](mailto:chubineh@yahoo.com)  
Attorney for Plaintiff